

JAN 27 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

END920010073US1

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Typed or printed name Georgia Y. Brundge

Application Number

10/037,175

Filed

11/09/2001

First Named Inventor James R. Doran

Art Unit

2194

Examiner

LeChi Truong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.

Registration number 43,001

607-429-4358

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Registration number if acting under 37 CFR 1.34 _____

01/24/06

Date



Signature

John R. Pivnichny

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: END920010073US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: James R. Doran et al

Group Art Unit: 2194 : IBM Corporation
Examiner: LeChi Truong : Intellectual Property Law
Serial No.: 10/037,175 : Department IQ0A/040-3
Filed: 11/09/2001 : 1701 North Street
Title: ENTERPRISE DIRECTORY : Endicott, New York 13760

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REASONS FOR REQUESTING A PRE-APPEAL BRIEF REVIEW

Dear Sir:

The Examiner has finally rejected all of the claims pending in the present application under 35 U.S.C. 103(a) as being unpatentable over Kirkwood (U.S. 6,665,662) in view of Lippert (U.S. 6,356,906).

Applicants responded to this final rejection on 11/15/2005 with arguments on why neither Kirkwood, nor Lippert, nor any combination thereof, describe applicants pending claims. In an Advisory Action dated 12/29/05, the Examiner states his

disagreement. Based on the Examiner's statement in the Advisory Action, as best can be determined, Applicants feel the Examiner has clearly erred in citing wrapping from a query language to a markup language at a client (Lippert) as describing applicants' wrapper at a web server for accepting a query in a plurality of programming languages. The following detailed description will explain further.

The quotation Lippert cited by the examiner in his Advisory Action of 12/29/05 is found in column 10, lines 22 - 24. As noted by Applicants in their Amendment After Final filed 11/15/05, page 2, third paragraph, Lippert wraps at the client side his query which is in the SQL language, in the XML markup language.

The quotation from Lippert, column 10, lines 22 - 24 merely indicates that the database query language doesn't have to be SQL and the markup language XML but that any database query language can be adapted to any markup language. Those of ordinary skill in this subject matter area would immediately recognize this, whether Lippert had stated it or not.

Lippert, however, is describing his wrap from a query language to a markup language at a client computer. Applicant's claim 1 does not recite wrapping a query language in a markup language at a client computer. Applicant's claim 1 requires a web server having an API coupled to a data store for sending a query to the data store and receiving a directory entry. Claim 1 also requires a wrapper coupled to the API for accepting this query from a user application in a plurality of programming languages. SQL is a query language, not a programming language as defined by examples in Applicant's specification, page 11,

such as JAVA, LOTUS SCRIPT, REXX, and "C". XML is a markup language, not such a programming language in which a user application must send the query as required by claim 1. In fact, claim 1 requires Applicants wrapper, which is coupled to the API at the web server to be adapted to accept the query in a plurality of programming languages. The Examiner has not shown where Lippert describes these unique features of claim 1.

Applicants respectfully request a pre-appeal brief review as noted in the attached form PTO/SB/33.

Respectfully submitted,

Dated: 01-24-06

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